

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 19, 2003**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District

ABSENT: John B. Kelso, Lee District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner de la Fe, citing the need for more citizen input, MOVED THAT WE (FURTHER) DEFER THE DECISION ONLY, WITH THE RECORD REMAINING OPEN, ON RZ/FDP-2002-HM-024, ENGLE HOMES VIRGINIA, TO APRIL 23, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel having not yet arrived at the meeting, Chairman Murphy set the following order for the agenda:

1. 2232-V01-27 - SPRINT PCS
2. RZ-2002-MV-027 - JAGDISH BERRY
3. PCA-85-V-151 - M & K REALTY LLC
4. DPA-B-846-2 - EXXON MOBIL CORP.

5. SEA-97-Y-058 - VERIZON WIRELESS
6. SE-97-Y-042 - FAI OLD CENTREVILLE
7. PCA/FDPA-1999-SU-043 - KUSTOM KASTLES LLC

This order was accepted without objection.

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2232-V01-27 - SPRINT PCS - Appl. to construct a telecommunications facility, consisting of a 120-ft. tall monopole, panel antennas, and equipment cabinets, at 7400 Block of Lockport Pl., Lorton. Tax Map 108-1 ((1)) 1H. MT. VERNON DISTRICT. PUBLIC HEARING.

Mr. David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Michael Horwatt, Esquire, attorney for the applicant, concurred with staff's comments. He noted that there had been extensive citizen participation in the process and offered to answer any questions.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission or closing staff remarks, therefore he closed the public hearing and recognized Commissioner Byers for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION APPROVE 2232-V01-27.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

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RZ-2002-MV-027 - JAGDISH BERRY - Appl. to rezone from R-8 to R-8 to permit residential development at a density of 6.17 dwelling units per acre (du/ac) and waiver of the minimum district size located in the S.W. quadrant of the intersection of Edinburgh Dr. and Lake Pleasant Dr. on approx. 1.62 ac. of land. Comp. Plan Rec: 8-12 du/ac. Tax Map 98-2 ((8)) G. MT. VERNON DISTRICT. PUBLIC HEARING.

Stephen Fox, Esquire, attorney for the applicant, reaffirmed the affidavit dated March 12, 2003. There were no disclosures by Commission members.

Mr. Fran Burnszynski, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Commissioner Smyth commented that sand filters were not normally used in townhouse developments and asked why they were included in the list of possible options for the proposed stormwater management facility. Mr. Burnszynski said the applicant had supplied that language.

Mr. Fox explained that sand filters were included as an option to provide flexibility and noted that the stormwater management facility would be subject to approval by the Department of Public Works and Environmental Services (DPWES). He said the applicant would not object to deletion of that option if the Commission so desired. Commissioner Byers commented that it would be better to allow DPWES to make that decision.

Mr. Fox noted that the applicant had met with both the Mount Vernon Council and the Federation of Lorton Communities and neither group expressed objections to the applicant's proposal. He added that the major issue of access had been resolved through an easement agreed to by the Townhouses of Saratoga Community Association, a copy of which is in the date file, allowing the applicant to access the subject property from the adjacent Saratoga development rather than using the existing public street access from either Edinburgh or Lake Pleasant Drive.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Mr. Ray Dennis, 8005 Revenna Lane, Springfield, representing the Townhouses of Saratoga, supported the application. He noted that citizens in the area preferred that the subject property not have direct access to Edinburgh or Lake Pleasant Drive which would create a cut-through traffic situation.

Ms. Linda Burke, representing the Saratoga Recreation Group (SRG), 8010 Sleepy View Lane, Springfield, asked that the applicant's contribution to the Park Authority for recreation purposes be directed to the SRG for use in the community most affected by the proposed development.

Ms. Burke responded to questions from Commissioners de la Fe and Murphy regarding her request. Neither Mr. Burnszynski nor Mr. Fox expressed opposition; therefore, Commissioner Byers suggested that the proffers be so amended.

There were no further comments or questions from the Commission and Mr. Burnszynski had no closing staff remarks, therefore Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE RZ-2002-MV-027, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED MARCH 5, 2003 WITH ONE SMALL CHANGE. IN PROFFER 8, DELETE THE WORDS "FAIRFAX COUNTY PARK AUTHORITY" AND SUBSTITUTE "SARATOGA RECREATION GROUP, INCORPORATED."

Commissioner Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Smyth abstaining; Commissioner Harsel not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE MINIMUM DISTRICT REQUIREMENT.

Commissioner Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Smyth abstaining; Commissioner Harsel not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND WAIVER OF THE BARRIER REQUIREMENTS ALONG THE NORTHERN AND WESTERN PROPERTY BOUNDARIES.

Commissioner Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Smyth abstaining; Commissioner Harsel not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

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PCA-85-V-151 - M & K REALTY LLC - Appl. to amend the proffers for RZ-85-V-151 previously approved for office use to permit contractor's office and shops and other commercial uses with an overall Floor Area Ratio (FAR) of 0.35 located generally in the N.E. quadrant of the intersection of Richmond Hwy. and Beddoo St. on approx. 1.97 ac. of land zoned C-8, HC and CRD. Comp. Plan Rec: Alternative uses. Tax Map 93-1 ((1)) 21 and 24. MT. VERNON DISTRICT. PUBLIC HEARING.

J. Howard Middleton, Jr., with Reed Smith, reaffirmed the amended affidavit dated March 18, 2003. In response to questions from Commissioner Byers, he explained that the affidavit had been amended to list Del-Ray Glass Company, Incorporated as agent for the applicant. He added that Del-Ray was owned by Messrs. Mitchell and Keith Papanicolas, also owners of M & K Realty LLC, the applicant in this case. There were no disclosures by Commission members.

Commissioner Byers noted that the new affidavit had been reviewed by the County Attorney's Office and found to be in order. He therefore MOVED THAT THE PLANNING COMMISSION WAIVE ITS POLICY OF REFUSING TO ACCEPT AFFIDAVITS NOT RECEIVED AT LEAST SEVEN BUSINESS DAYS IN ADVANCE OF THE SCHEDULED PUBLIC HEARING AND PROCEED WITH THE PUBLIC HEARING ON PCA-85-V-151.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

Ms. Cathy Belgin, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Middleton explained that the applicant wished to relocate its Del-Ray Glass Company, a family-owned business for 50 plus years, from the City of Alexandria to the subject property in Fairfax County. He added that the applicant's proposal would upgrade a blighted site and eliminate the current access to Beddoo Street. He noted that the Mount Vernon Council had no objection to the application.

Commissioner Byers noted that an existing traffic signal was located at the new access point onto Richmond Highway. He added that Proffer 15 had been revised to ensure that the community would be informed prior to the applicant's leasing of a portion of the subject property to another business.

In response to questions from Commissioner Smyth, Ms. Belgin explained that the applicant had worked with the Urban Forestry Branch and committed to preservation of a 30-inch white oak tree located at the corner of the Beddoo Street frontage of the subject property.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission or closing staff remarks, therefore he closed the public hearing and recognized Commissioner Byers for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE PCA-85-V-151, SUBJECT TO THE PROFFERS DATED MARCH 19, 2003.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Kelso and Wilson absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE MINIMUM LOT WIDTH REQUIREMENT PURSUANT TO SECTION 9-610 OF THE ZONING ORDINANCE.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Kelso and Wilson absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE NORTHEASTERN PROPERTY LINE IN FAVOR OF THAT SHOWN ON THE GDP.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Kelso and Wilson absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE WESTERN PROPERTY LINE AND A MODIFICATION OF THE BARRIER REQUIREMENTS ALONG THE SOUTHERN AND EASTERN PROPERTY LINE IN FAVOR OF THAT SHOWN ON THE GDP.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Kelso and Wilson absent from the meeting.

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DPA-B-846-2 - EXXON MOBIL CORPORATION - Appl. to amend the Development Plan for RZ-B-846 previously approved for a service station and car wash to permit reconstruction of the existing service station and car wash to add a quick service food store, and to designate the site as convention/conference center with an overall Floor Area Ratio (FAR) of 0.06. Located on the W. side of Sunrise Valley Dr., approx. 500 ft. N. of its intersection with Reston Pkwy. on approx. 1.86 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 17-3 ((3)) 3. HUNTER MILL DISTRICT. PUBLIC HEARING.

Frank Stearns, Esquire, with Venable, Baetjer and Howard, reaffirmed the affidavit dated February 4, 2003. There were no disclosures by Commission members.

Ms. Cathy Belgin, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Stearns noted that the applicant had spent extensive time with the Design Review Board of Reston and altered the development plan to accommodate their suggestions, including reduction of the canopy size and moving the building and car wash farther from the adjacent office community. He stated that the Planning and Zoning Committee of the Reston Citizens Association voted on March 3, 2003 to support the proposal. He concurred with the proposed development conditions with the exception of Condition 14 regarding reconfiguration of the entrance. He explained that strict adherence to the Virginia Department of Transportation regulations would result of the loss of a number of street trees at that location.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission or closing staff remarks, therefore he closed the public hearing and recognized Commissioner de la Fe for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF DPA-B-846-2, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 6, 2003 AND CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRAIL REQUIREMENT ALONG SUNRISE VALLEY DRIVE IN FAVOR OF THE SIX-FOOT WIDE ASPHALT TRAIL ILLUSTRATED IN THE DPA.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

In response to questions from Commissioner Hall, Ms. Belgin explained that Condition 14 had been crafted to allow the applicant to partially meet VDOT standards without the loss of trees.

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SEA-97-Y-058 - VERIZON WIRELESS - Appl. under Sect. 3-C04 of the Zoning Ordinance to amend SE-97-Y-058 previously approved for a telecommunications facility to permit modifications to development conditions. Located at 15717 Lee Hwy. on approx. 6.46 ac. of land zoned R-C, WS and NR. Tax Map 64-1 ((1)) 17 pt., 38 pt. and 39 pt. SULLY DISTRICT. PUBLIC HEARING.

Frank Stearns, Esquire, with Venable, Baetjer and Howard, reaffirmed the affidavit dated December 23, 2002. There were no disclosures by Commission members.

Mr. Fran Burnszynski, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Stearns explained that the applicant was requesting an increase in panel antenna size and a change in the compound layout to accommodate additional carriers. He noted that the Western Fairfax County Citizens Association supported the application.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission or closing staff remarks, therefore he closed the public hearing and recognized Commissioner Koch for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-97-Y-058, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 12, 2003.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE SCREENING AND BARRIER REQUIREMENTS ALONG THE WESTERN BOUNDARY.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

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In the temporary absence of Chairman Murphy and Vice Chairman Byers, Secretary Harsel assumed the Chair and called the next case.

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SE-97-Y-042 - FAI OLD CENTREVILLE LLC - Appl. under Sect. 9-620 of the Zoning Ordinance to permit a waiver of certain sign regulations. Located at 13810 Braddock Rd. on approx. 15.90 ac. of land zoned C-6, HC, SC and WS. Tax Map 54-4 ((1)) 87C. SULLY DISTRICT. PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed, Smith, reaffirmed the affidavit dated March 7, 2003. There were no disclosures by Commission members.

Ms. Kristen Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Lawrence concurred with the conclusions presented in the staff report. He noted that the size and lighting of the proposed sign had been reduced as a result of meetings with the Western Fairfax County Citizens Association. He said the new sign was needed because the shopping center did not front on Lee Highway and had experienced difficulty in attracting customers.

Secretary Harsel called for speakers from the audience, but received no response. She noted that no rebuttal was necessary. There were no comments or questions from the Commission or closing staff remarks, therefore she closed the public hearing and recognized Commissioner Koch for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-97-Y-042, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 19, 2003.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

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The next case was in the Springfield District; therefore, Secretary Harsel retained the Chair.

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PCA/FDPA-1999-SU-043 - KUSTOM KASTLES LLC - Appls. to amend the proffers, conceptual and final development plans for RZ-1999-SU-043 to permit residential development at a density of 1.98 dwelling units per acre (du/ac) overall. Located on the W. side of Forest Hills Dr., approx. 1,500 ft. S. of Lee Hwy. on approx. 12.53 ac. of land zoned PDH-2. Comp. Plan Rec: Fairfax Center Area: 2 du/ac at overlay level. Tax Map 56-2 ((22)) A, 23; 56-4 ((15)) 1, 9-20, 29 and 30. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Lubeley, Emrich and Terpak, reaffirmed the affidavit dated January 29, 2003. There were no disclosures by Commission members.

Ms. Kristen Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Commissioner Murphy announced his intention to defer decision on these cases.

Mr. Martin stated that the subject property had been part of a larger rezoning by Equity Homes, the proffers for which indicated that the existing house would be renovated rather than replaced. He explained that the property had been sold to Kustom Kastles, a firm that specialized in renovations. He added that engineers for the applicant had discovered foundation problems with the existing home and determined that it could not be saved. Mr. Martin said that a demolition permit to raze the home and a building permit to allow reconstruction had been issued by the Department of Public Works and Environmental Services before it was brought to the applicant's attention that there was a proffer requiring that the existing house remain. He noted that a stop work order had been issued in August of last year and the subject applications submitted, requesting an amendment to the original proffers to allow reconstruction. He added that great care had been taken to save the trees on the site and that the new residence would be built essentially within the same footprint as the previous house, changing neither the use nor the intensity of the property.

Mr. Martin responded to questions from Commissioners Hall, Smyth, Murphy and Harsel regarding the circumstances leading to the subject applications.

Secretary Harsel called the first listed speaker.

Mr. Dave Russell, 11607 Kenwood Terrace, Fairfax, said that the original proffer requiring the retention of the previous house was very clear and that demolishing it adversely affected the neighborhood. He suggested that the applicant could offset this impact by financing a pedestrian crossing of Lee Highway.

Commissioner Murphy explained that a pedestrian-friendly access was suggested when the Wegman's application across the road was processed last year, but the Virginia Department of Transportation rejected the proposal.

In response to questions from Secretary Harsel, Mr. Russell said he had no particular objection to the subject applications.

Ms. Maureen Amendola, 4501 Forest Hill Drive, Fairfax, described the difficulties she and her husband had had in the development of other properties on Forest Hill Drive. She spoke about promises made by previous developers that had gone unfulfilled and expressed her belief that the applicant never intended to renovate the existing home.

Mr. Ben Bovee, 4433 Village Drive, Fairfax, said there was some historic value to the home that was destroyed. He stated that at one time it was proposed that the previous house be restored for use as a community center and wondered why a community center at some other location had not been suggested when it was decided that the lot remain residential. He suggested that the impact of the loss of the home be mitigated by requesting that the applicant provide curb, gutter and sidewalks along Village Drive.

Mr. Neal Moodhe, 11729 Larry Road, Fairfax, representing the Lee High Village Civic Association, expressed skepticism that a responsible developer would go to the extent Kustom Kastles had done before discovering that the previous house had no foundation. He said steps needed to be taken to prevent this sort of mistake from recurring and reiterated Mr. Russell's suggestion that the applicant provide a pedestrian crossing of Lee Highway.

In response to questions from Commissioner Harsel, Mr. Moodhe confirmed that there was a traffic signal at the intersection of Village Drive and Lee Highway.

In response to questions from Commissioner Hall, Ms. Abrahamson stated that nothing in staff's records indicated a specific purpose for retaining the previous house. She added that the home had no documented historic value and that the proposal for a community center was abandoned early in the development process.

Ms. Jacqueline Wise, 11600 Lee High Drive, Fairfax, concurred with Ms. Amendola that promises made by previous developers had not been honored and questioned why she should believe the applicant this time.

In response to questions from Commissioner Hall, Ms. Wise explained that promises regarding the overall size and number of stories of the houses were not kept because the property changed hands and the new developer, Equity Homes, sought and received approval to build larger homes. She added that the view from her front picture window now consisted of three large homes with very little space between them.

Commissioner Murphy explained that the Commission was not in a position to alter the Equity application that had already been approved. He added that the case before the Commission tonight involved only one house on one property.

Ms. Mary Jo O'Connell, address unknown, expressed disappointment that the proffers of the previous application had not been honored. She hoped the new proffers would be followed.

There were no further speakers; therefore, Secretary Harsel called upon Mr. Martin for a rebuttal statement.

Mr. Martin expressed his regret for the errors that lead to the demolition of the house on the subject property, but said there was little to do at this point but go forward.

There were no comments or questions from the Commission or closing staff remarks, therefore Secretary Harsel closed the public hearing and recognized Commissioner Murphy for a deferral motion. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT WE DEFER DECISION ON PCA/FDPA-1999-SU-043 TO A DATE CERTAIN OF APRIL 3, 2003, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioners Kelso and Wilson absent from the meeting.

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The meeting was adjourned at 10:12 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Gloria L. Watkins

Approved on: March 17, 2005

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission